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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,808	12/29/2000	Brana Kukic	NC30318	5334
38879	7590	11/24/2004	EXAMINER MACE, BRAD THOMAS	
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-6257			ART UNIT 2663	
PAPER NUMBER				

DATE MAILED: 11/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/751,808

Applicant(s)

KUKIC, BRANA

Examiner

Brad T. Mace

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on August 2, 2004. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,002,670 (Rahman et al.) in view of U.S. Patent No. 6,580,688 (Klink).

#### Regarding claim 1:

Rahman et al. discloses a system (and method) for passing a cell stream at a particular transmission rate from a first location to a second location (Figure 3, and col. 3, lines 58-62), the system comprising:

a first unit at the first location coupled to one end of each of a plurality of low capacity data links for receiving the cell stream and inverse multiplexing the cell stream over at least two trained data links selected from the plurality of low capacity data links that are set to active status (Figure 3, references 10, 12, and "ATM Cells" input stream, and col. 3, lines 55-57);

a second unit at the second location coupled to the other end of each of the plurality of low capacity data links for receiving and multiplexing the inverse multiplexed

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cell stream from each of the active trained data links to produce the cell stream (Figure, references 14, 12, and "ATM Cells" output stream, and col. 3, lines 55-57); and

at least one data link selected from the plurality of low capacity data links that is trained (col. 3, lines 55-57).

However, Rahman et al. does not disclose expressly at least one data link selected from the plurality of low capacity data links that is set to idle status, wherein the first unit and the second unit switch to use the idle data link to replace any one of the active data links that has failed and wherein the status of the idle data link is changed to active, thereby avoiding system down time due to line failure.

Klink discloses at least one data link selected from the plurality of low capacity data links that is set to idle status, wherein the first unit and the second unit switch to use the idle data link to replace any one of the active data links that has failed and wherein the status of the idle data link is changed to active, thereby avoiding system down time due to line failure (Figure 1a, references "PE", "W", and "E", and col. 3, lines 43-48).

A person of ordinary skill in the art would have been motivated to employ Klink in Rahman et al. in order to obtain an ATM inverse multiplexing system that incorporates an idle trained data link. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Klink with Rahman et al. (collectively Rahman et al.-Klink) in order to obtain the invention as specified in claim 1. The suggestion/motivation to do so would have been to obtain an ATM inverse multiplexing system that incorporates an idle trained

data link so as to provide a robust system that allows the continued transmission of data on a standby link when a fault occurs on an active link (col. 1, lines 47-59).

Regarding claims 2, 5, 7:

Rahman further discloses that the trained data links operate at an optimal transmission rate (col. 3, line 55-57, where optimal rate is a transmission characteristic parameter possible for provisioning transmission links) and wherein the failed active data link is repaired and retrained at an optimal transmission rate (col. 3, lines 42-43, wherein the failed active data link is repaired, and col. 3, lines 55-57, where the optimal rate is a possible transmission characteristic parameter for provisioning transmission links, hence the failed link would be trained at the optimal rate).

Regarding claim 3:

Rahman et al. further discloses wherein the sum of the transmission rates of each of the active trained data links is equal to the transmission rate of the cell stream (Figure 3, and col. 2, lines 43-50, where N transmission links forms a link group to transmit the ATM cells, and col. 4, lines 18-32, where the link group can be adjusted to accommodate a desired bandwidth).

4. Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,002,670 (Rahman et al.) in view of U.S. Patent No. 6,580,688 (Klink) as applied to claim 1 above, and in further view of U.S. Patent No. 6,813,241 (Wang et al.).

Regarding claims 4, 6:

Rahman et al. further discloses wherein the failed active data link is repaired (col. 3, lines 42-43), however, does not disclose expressly wherein the failed active data link is set to idle status.

Wang et al. discloses a monitor that determines when to revert to the working data link after recovery from a failure (Figure 8, and col. 3, lines 5-10, where the data link has recovered from a failure and the monitor determines when to revert to it, hence when the recovered data link has not be reverted to, the recovered data link becomes an idle link).

A person of ordinary skill in the art would have been motivated to employ Wang et al. in Rahman et al. - Klink et al to set the recovered data link to an idle data link. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Wang et al. with Rahman et al. - Klink et al. (collectively Rahman et al. - Klink et al.- Wang et al) to obtain the invention as specified in claims 1 and 4 and in claims 5 and 6. The suggestion/motivation to do so would have been to decide the best time to revert to the recovered data link (col. 3, lines 7-10), thus setting it idle so that it is ready for changeover.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brad T. Mace whose telephone number is (571) 272-3128. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

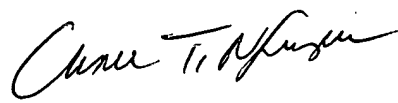
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btm

Brad T. Mace  
Examiner  
Art Unit 2663

btm

November 10, 2004



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